

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

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**FILE:** B-215131**DATE:** December 17, 1984**MATTER OF:** Tetra Industries, Inc.**DIGEST:**

Protest challenging contract award is dismissed as academic where award to protester under original solicitation is no longer feasible due to altered requirements and where agency indicates that new solicitation containing the altered requirements will be issued.

Tetra Industries, Inc. protests the award of a contract to Vion Corporation under request for proposals (RFP) No. DAAG34-84-C-0011, issued by the Department of the Army to maintain and install the core memory upgrade of the Central Processing Unit at the Letterkenny Army Depot from four megabytes to eight. Tetra contends that the RFP required offerors to maintain the entire eight megabytes of memory and that Vion's offer included the monthly maintenance cost for only four megabytes. Tetra argues that had the Army added the cost of maintaining the additional memory to Vion's proposal, Vion's offer would have been more costly than Tetra's and Tetra would have been in line for award.

In response to the protest, the Army reviewed the RFP. The Army concluded that the RFP was ambiguous as to whether maintenance was required on four or eight megabytes. As a consequence, the Army decided to recompetitively this requirement and in its initial report to our Office stated that a new solicitation would be issued upon the expiration of the current contract on September 30, 1984. However, due to a policy change in the acquisition of Automatic Data Processing (ADP) equipment, the lease of the equipment as in the original contract was no longer feasible and new funding was required to cover the purchase of the equipment. The Army now indicates that a new solicitation for the purchase of this equipment will be issued in January 1985 and that a replacement contract will be awarded by April 1, 1985.

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In view of these facts, we consider the protest to be academic since no useful purpose in terms of a remedy would be served by our further consideration of this matter. Even if our Office were to invalidate the award to Vion, any subsequent award would not be made on the basis of the original solicitation because the Army is no longer contemplating a lease arrangement. Consequently, since no award to the protester under the original solicitation is feasible and since the Army has indicated that a new solicitation containing the altered requirements will be issued, the protest is academic. M/A-COM Sigma Data, Inc., Sept. 6, 1983, 83-2 C.P.D. ¶ 304; Anchor Mental Health Association, B-192500, Sept. 12, 1978, 78-2 C.P.D. ¶ 194.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
General Counsel